

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL GINYARD,	)	
	)	
Petitioner,	)	Civil Action No. 21-1842
	)	
v.	)	
	)	
ATTORNEY GENERAL OF THE STATE	)	
OF PENNSYLVANIA;	)	
DISTRICT ATTORNEY OF ALLEGHENY	)	
COUNTY; <i>and</i>	)	
DAVID BOBBY,	)	
	)	
Respondents.	)	

**ORDER**

AND NOW, this 20<sup>th</sup> day of January, 2023,

IT IS HEREBY ORDERED that the Report and Recommendation, ECF No. 14, is adopted as the opinion of this Court, as supplemented by the accompanying opinion.

IT IS FURTHER ORDERED that Respondents' Motion to Dismiss, ECF No. 10, is GRANTED. This case is DISMISSED and shall be marked closed.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219, as provided in Rule 3 of the Federal Rules of Appellate Procedure.

Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of appealability from the Court of Appeals (available at [https://www2.ca3.uscourts.gov/legacyfiles/2011\\_LAR\\_Final.pdf](https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf)).

BY THE COURT:

s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
SENIOR UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly  
United States Magistrate Judge

Michael Ginyard  
38718068  
Northeast Ohio Correctional Center  
2240 Hubbard Rd  
Youngstown, OH 44505

All counsel of record (*via* CM/ECF)